

REMARKS

In the Office Action¹, the Examiner rejected claims 1-17 under 35 U.S.C. §101; rejected claims 1-31 under 35 U.S.C. §102(b) as being anticipated by “Microsoft Windows XP Operating System” (“*Microsoft*”); and rejected claims 3-7, 20, and 21 under 35 U.S.C. §103(a) as being obvious over *Microsoft* in view of U.S. Patent Appl. Pub. No. US 2004/0243616 to Benhase et al. (“*Benhase*”).

Applicants have amended claims 1, 4, 5, 9, 13, 18, 23, and 27, and canceled claim 2. Claims 1 and 3-31 remain pending.

I. Regarding the rejections of claims 1-17 under 35 U.S.C. §101

The Examiner rejected claims 1-17 under 35 U.S.C. §101 because “the claimed invention is directed to non-statutory subject matter” (Office Action at page 2).

Applicants respectfully disagree. However, to expedite prosecution, Applicants have amended independent claims 1, 9, and 13 to recite a “computer program product tangibly embodied in a computer-readable storage medium.”

Applicants note that “[w]hen functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” See M.P.E.P. § 2106 (IV) p. 2100-12. A claim to a data structure stored on a computer readable medium that increases computer efficiency has been held statutory. *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Furthermore, a claim to a computer having a

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

specific data structure stored in memory has been held statutory as a product-by-process claim. *In re Warmerdam*, 33 F.3d 1354, 1360-1361, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994).

Claims 1-17, thus, do not cover a propagated signal. Rather, these claims positively recite a specific data structure that is tangibly embodied in a computer-readable storage medium. Such definition cannot cover a propagated signal. Accordingly, claims 1-17 fall squarely within the categories of patentable subject matter. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-17 under 35 U.S.C. §101.

II. Regarding the rejections of claims 1-31 under 35 U.S.C. §102(b) as being anticipated by *Microsoft*

Applicants respectfully traverse the rejection of claims 1-31 under 35 U.S.C. § 102(b) as anticipated by *Microsoft*. In order to properly establish that *Microsoft* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a computer program product including, for example:

wherein, when the navigation key is pressed, a current group and a target group of user interface elements is determined,
when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a

first user interface element in the target group if the current group is not the same as the target group, and

when the navigation key is the backward navigation key, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a last user interface element in the target group if the current group is not the same as the target group.

Microsoft does not disclose at least these elements of Applicants' claimed invention.

Microsoft depicts various screenshots. Fig. 2 and 3, for example, depict a parent navigation control keystroke and keyboard navigation shortcuts to select parent and child nodes. However, any navigation key that may exist in the Fig. 2 of *Microsoft* would be a keystroke, such as the left or right arrow key. These keys are used to navigate the applications running on the operating system. Fig. 3 states that the user "can use the tab control to tab through the child nodes of a parent or the user can use the left and right arrow keys to tab through parent nodes and up and down arrow keys to tab through child nodes."

Microsoft is silent regarding the claimed "current group" and "target group." Therefore, *Microsoft* does not teach or suggest "wherein, when the navigation key is pressed, a current group and a target group of user interface elements is determined, when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a first user interface element in the target group if the current group is not the same as the target group, and when the navigation key is the backward navigation key, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is

shifted to a last user interface element in the target group if the current group is not the same as the target group,” as recited in claim 1.

Microsoft fails to teach the claimed subject matter, including at least the above elements. Accordingly, *Microsoft* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons. Claims 2-8 are also allowable at least due to their depending from claim 1.

Independent claims 9, 13, 18, 23, and 27, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Microsoft* for at least the same reasons discussed above in regard to claim 1. Claims 10-12, 14-17, 24-26, and 28-31 are also allowable at least due to their depending from claims 9, 13, 18, 23, and 27, respectively.

III. Regarding the rejections of claims 3-7, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Microsoft* in view of *Benhase*

Applicants respectfully traverse the rejection of claims 3-7, 20, and 21 because a *prima facie* case of obviousness has not been established with respect to these claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). M.P.E.P. § 2142, 8th Ed., Rev. 2 (May 2004), p. 2100-128.

A *prima facie* case of obviousness has not been established because, among other things, neither *Microsoft* nor *Benhase*, taken alone or in combination, teaches or suggests each and every element of Applicants' claims.

Claims 3-7 depend from claim 1 and thus require each and every element of claim 1. As set forth above, *Microsoft* fails to teach each and every element of claim 1. Moreover, *Benhase* fails to cure the deficiencies of *Microsoft*. The Examiner relies on *Benhase* for allegedly teaching every element of claims 3-7, 20, and 21 (Office Action at p. 10). Even assuming this assertion is true, which Applicants do not concede, *Benhase* does not cure the deficiencies of *Microsoft* noted above.

Benhase discloses "a computer-generated user interface for displaying information" (paragraph 0006). However, *Benhase* does not teach or suggest "wherein, when the navigation key is pressed, a current group and a target group of user interface elements is determined, when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a first user interface element in the target group if the current group is not the same as the target group, and when the navigation key is the backward navigation key, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a last user interface element in the target group if the current group is not the same as the target group," as recited by independent claim 1 and required by dependent claims 3-7.

Independent claim 18, from which claims 20 and 21 depend, is of different scope than claim 1, but recites elements similar to elements recited by independent claim 1.

Therefore, claims 20 and 21, which respectively depend from claim 18, are allowable for at least the reasons set forth with respect to claim 1.

Because neither *Microsoft* nor *Benhase*, taken alone or in combination, teaches or suggests each and every element recited by independent claims 1 and 18 and required by dependent claims 3-7, 20, and 21, no *prima facie* case of obviousness has been established with respect to claims 3-7, 20, and 21. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 3-7, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Microsoft* in view of *Benhase*.

IV. Conclusion

In view of the remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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